

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23CR00090 SNLJ
)	
TIMOTHY MCGRADDIE DRAKE,)	
)	
Defendant.)	

ORDER

This matter is before the Court on Defendant's Motion to Suppress Evidence (Doc. 23). Pursuant to 28 U.S.C. § 636(b) and Local Rule 2.08, all pretrial matters were referred to United States Magistrate Judge Abbie Crites-Leoni (Doc. 4). An evidentiary hearing was held on the motion to suppress on January 30, 2024, at which Kennett Police Department officers Brandon Perkins and David Bailey testified and were subject to cross-examination (Docs. 26, 28, 30). Officer Perkins's body camera footage was admitted as evidence (Doc. 30).

Judge Crites-Leoni issued a Report and Recommendation on July 9, 2024, recommending the motion be denied (Doc. 39). Defendant filed objections to the Report and Recommendation on July 23, 2024 (Doc. 41) and the government filed a response to the objections on July 30, 2024 (Doc. 46). This Court's review of Judge Crites-Leoni's Report and Recommendation is governed by § 636 and Federal Rule of Civil Procedure 72. When a party objects to a report and recommendation, the district judge must conduct "a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003) (quoting 28 U.S.C. § 636(b)(1)). The district judge may then “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also United States v. Craft*, 30 F.3d 1044, 1045 (8th Cir. 1994).

Following de novo review of the record, the undersigned concludes that Judge Crites-Leoni made proper factual findings and conclusions of law. After careful consideration, the Court overrules Defendant's objections, and adopts and sustains the thorough reasoning of Judge Crites-Leoni set forth in support of the recommended ruling.

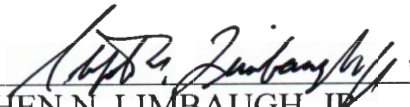
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Abbie Crites-Leoni (Doc. 39), filed July 9, 2024, is **SUSTAINED**, **ADOPTED**, and **INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress Evidence (Doc. 23) is **DENIED**.

This case remains set for jury trial on August 14-15, 2024.

Dated this 30th day of July, 2024.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE